

FILED**AUG 20 2024**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

ALEXIS MATTHEWS ,**Plaintiff,****v.**

**SPRING OAKS CAPITAL, LLC,
and SPRING OAKS
CAPITAL, SPV, LLC;
Fictitious Defendants "A", "B"
and "C",**

Defendants.**CIVIL ACTION NO.**

2:24 cv 1142 NAD

**Pending in the Circuit
Court of Jefferson County,
Alabama (CV2024-902849)**

NOTICE OF REMOVAL

Defendants Spring Oaks Capital, LLC and Spring Oaks Capital SPV, LLC (together, "Spring Oaks" or "Defendants"), pursuant to 28 U.S.C. § 1331, §1441, and §1146, hereby give notice of the removal of the above-styled action from the Circuit Court of Jefferson County, State of Alabama, where it is now pending as Civil Case Number 01-CV-2024-902849.00 to the United States District Court for the Northern District of Alabama, Southern Division. As grounds for removal, Spring Oaks states as follows:

ALLEGATIONS OF THE COMPLAINT

1. On or about July 19, 2024, Plaintiff Alexis Matthews (“Matthews” or “Plaintiff”) filed a Complaint in the Circuit Court of Jefferson County, State of Alabama, in the civil action styled *Alexis Matthews, an individual, v. Spring Oaks Capital, LLC et al.*, Civil Case Number 01-CV-2024-902849.00.

2. Plaintiff’s Complaint asserts claims against Spring Oaks under 15 U.S.C. § 1692c, §1692c(c), §1692d, §1692e, §1692f, and §1692f(1) of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”) with respect to Spring Oaks Capital LLC’s attempts to collect an unpaid debt from Plaintiff. *See* Complaint, attached hereto as Exhibit A.

REMOVAL PROCEDURES

3. In accordance with 28 U.S.C. § 1446(a), a copy of all “process, pleadings, and orders” received by Spring Oaks is attached hereto as Exhibit A.

4. Defendant was served with the Summons and Complaint on July 22, 2024. Therefore, this notice of removal is timely filed pursuant to 28 U.S.C. §1446(b).

5. Jurisdiction of this action is based on 28 U.S.C. §1331, §1441, and §1446, as amended. This Court has original federal question jurisdiction under 28 U.S.C. §1331 on the grounds that the Complaint purports to allege a cause of action under the FDCPA.

6. Pursuant to 28 U.S.C. §1441(a), this action is properly removable to this Court, which is the United States District Court for the district and division embracing Jefferson County, Alabama, where the state court action is pending. *See* 28 U.S.C. § 81(a)(3).

7. In accordance with 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served on Plaintiff on this date and a copy of this Notice of Removal is being filed with the Clerk of Court for the Circuit Court of Jefferson County, Alabama.

FEDERAL QUESTION JURISDICTION

8. This action presents a federal question on its face by asserting claims against Spring Oaks under the FDCPA, a federal consumer protection statute. *See* Complaint; *see also* 15 U.S.C. § 1692, *et seq.*; *Boone v. JP Morgan Chase Bank*, 447 F. App'x 961, 963 (11th Cir. 2011) (“Here, removal to federal court was proper because the district court had subject-matter jurisdiction based on the alleged violations of federal statutes including ... FDCPA”).

9. Accordingly, Plaintiff's federal claims all arise under the laws of the United States and could have been filed originally in this Court.

SATISFACTION OF REMOVAL PREREQUISITES

10. Because this Notice of Removal was filed within thirty (30) days of service of the Complaint upon Spring Oaks, the removal is timely under 28 U.S.C. §1446(b).

11. The prerequisites for removal set forth in 28 U.S.C. §1441 have been met.

12. Written notice of the filing of this Notice of Removal will be given to the adverse party as required by law.

13. A Notice of Filing Notice of Removal, with a copy of this Notice of Removal attached, will be promptly filed with the Circuit Clerk for the Circuit Court of Jefferson County, Alabama.

14. The allegations of this Notice are true and correct and this cause is within the jurisdiction of the United States District Court for the Northern District of Alabama, Southern Division, and this cause is removable to the United States District Court for the Northern District of Alabama, Southern Division.

15. Should any question arise as to the propriety of the removal of this action, Spring Oaks respectfully requests the opportunity to submit a brief and present oral argument in support of its position that this case was properly removed. *Sierminski v. Transouth Fin. Corp.*, 216 F.3d 945, 949 (11th Cir. 2000).

CONCLUSION

16. For the reasons stated above, Spring Oaks respectfully requests that this action be, and is hereby, removed to this Court, that this Court assume jurisdiction of this action, and that this Court enter such other and further orders as may be required to accomplish the requested removal. By filing this Notice of Removal, Spring Oaks demonstrates its consent to the removal of this action to this Court, and upon receipt of this Notice, no further action shall be taken in the Circuit Court of Jefferson County, Alabama.

Respectfully submitted,



Neal D. Moore, III
Attorney for Defendant,
Spring Oaks Capital, LLC

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2024, a copy of the foregoing document has been served via electronic filing on the following:

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OF COUNSEL